

## Notice Of Claim

MAR 03 2014

Office of Labor Relations  
& Legal Counsel

- 1.) That, I reside in city of Buffalo, County of Erie, State of New York.
- 2) That, I founded Brotherman's Progress mentors matter Advocacy Organization to advocate on behalf of at Risk minority male <sup>see exhibit #1</sup>.
- 3) That, I joined District Parent Coordinator Council of Buffalo Public Schools in 2011.
- 4) That, Buffalo Board of Education President Ralph Hernandez agreed to respond to a set of written questions I prepared as regarding Board of Education (hereafter BOE) policies toward mentoring minority male <sup>see exhibit #2</sup>.
- 5) That, Ralph Hernandez did not immediately respond and thereby the task fell upon new BOE President Lou Petrucci, who responded via letter dated 12-11-2011. <sup>see exhibit #3</sup>
- 6) That, in his letter, Lou Petrucci answers my enquiries as to minority male student and also acknowledged that due to my advocacy on their behalf, I had been appointed to a newly established mentoring Committee

Chaired by Charles Brandy ... with respect to the achievement of males of African descent in Buffalo Public Schools (hereafter BPS) We are not where anyone wants to be. We need to see great improvements."

- 7.) That, I sat down with Charles Brandy (who had been appointed to Chair the BPS Mentor Committee by Interim Superintendent Amber Dixon) and instructed to contact me in order to build the committee and come up with comprehensive District Wide mentor Program and policies with emphasis on minority male students.
- 8.) That, Gail Wells, employee of Buffalo State College joined our committee at the behest of Dr. Hunter a Buffalo State Professor who formerly worked with us.
- 9.) That, Tracy Cooley joined our committee and served as secretary and coordinator.
- 10.) That, ~~Doctor~~ Will Kerester, Director of Student Services interacted with our committee.
- 11.) That as a result of my Brotherman's (2)

Progress mentoring Matters Advocacy on behalf of minority males in BPS, I sought help from BOE members Lou Petrucci and Ralph Hernandez in Spring of 2013, in sponsoring a BOE Resolution "Conduct an Impact Study and Cost analyses study of the 5000 Role Models of Excellence Project" <sup>see exhibit #4.</sup>

✓ 12) That, after the resolution was passed, Lou Petrucci via email discussed the need for me to put together a business plan amongst other considerations. <sup>see exhibit #5.</sup>

✓ 13) That, BPS mentor Committee secretary Troy Cooley offered to assist me with formulating business plan <sup>see exhibit #6.</sup>

✓ 14) That, BOE President Barbara A. New York supported implementation of 5000 Role Models of Excellence Project in BPS. <sup>see exhibit #7.</sup>

✓ 15) That, by letter dated 8-13-13, Ellicott District Councilmember Darius Pridgen endorsed the need for "diversity" and implementing 5000 Role Models of Excellence Project in BPS, while also agreeing to "serve in advisory capacity" on a distinguished

Steering Committee that I was putting together to assure success. see exhibit # 8.

16) That, many distinguished community leaders supported our initiative, such as Erie County Sheriff Tim Howard, Phil Rummel of BTF, Carl Paladino and Erie County Legislator Tim Hogue, along with David Rust of Say Yes see exhibit #9

✓ 17) That, a key player regarding my business plan was 5000 Role Models of Excellence Project founder Congresswoman Frederica S. Wilson who wrote an August 16, 2013 letter "In Congress I am working to bring the 5000 Role Models of Excellence Project to a national scale. I informed the members of the school board that I would be delighted to come to Buffalo to help move this initiative forward" see exhibit #10

✓ 18) That, at the 9-11-13 Speakers Fest BOE meeting I requested that a letter of invitation be sent to Congresswoman Wilson and that Sept. Brown publicly agreed to do it. see exhibit #11.

✓ 19) That, on 9-26-2013, I had delivered a letter to Sept. Brown's office inquiring as to when she would be sending the agreed upon

letter, and informed her that I had attended a Congressional Black Caucus Educational forum having been invited by Congressman Wilson to meet Key Playe <sup>see exhibit #13</sup>

20) That by <sup>email</sup> letters dated 9-11-13, I had also asked Supt. Brown to send me a copy when the letter would be sent out to Cong. Wilson, so that I could share it with community stakeholders. <sup>+9-21-13</sup> <sup>see exhibit #13</sup>

21) That, at the 11-13-13 BOE speakers fest again I took the opportunity to ask Supt. Brown, just why had she not sent out the above referenced letter as promised. <sup>see exhibit #14</sup>

22) That, Supt. Brown's response was that she had received a "Committee report" from Committee Chairman Charles Brandy as regarding the Impact Study / Cost Analysis.

23) That, I informed Supt. Brown that any "report" presented to her by Charles Brandy should be viewed with suspicion since no other BPS Mentor Committee members had participated in the compilation of "report."

24) That, at this same 11-13-13 BOE speakers

first meeting I had requested a copy of the so-called "committee report" from Supt. Brown and Charles Brandy who had attended the public meeting.

✓ 25) That, I wrote a 6 page <sup>11-27-13</sup> follow-up letter to Supt. Brown and hand-delivered it to her office <sup>see exhibit # 15</sup>

26) That, the 6 page follow-up letter among other considerations informed Supt Brown that Brandy's report was "bogus" and again demanded that I be given a copy so that I may properly respond to it and ask BOE for investigation of fraud if Supt Brown denied myself and stakeholders seeking to empower minority males in BPS our due process rights. Copies of this 11-27-13 letter were placed in mail boxes of Dr. Hares-Tigay ; Mr. Paladino and Dr. Barbara A. Nevegold of BOE.

27) That, I received an email response stating that "Dr. Brown Would like to meet with you on Dec 4, 2013, at 3:30 PM" (15 minutes). <sup>see exhibit # 16</sup>

28) That, I responded I could make meeting however "it is imperative that I immediately receive a copy of the so-called impact study cost analysis bogus

report submitted to Supt Brown without my participation and knowledge." See exhibit #16.

29) That on Dec 3, 2013, Supt. Brown sent email "Please see the committee's report attached - I look forward to meeting with you tomorrow." See exhibit #17.

30) That, I maintained Charles Broady was intentionally being deceptive in his arbitrary report which was done without the knowledge or assistance of any other BPS mentor committee members. A copy of Charles Broady's "Committee report" of 11-12-13 is attached. See exhibit #18.

31) That, during our Dec 4, 2013 meeting (15 minutes allotted) Supt. Brown was informed by assistant Elana Cala that she had another engagement to attend. Supt. Brown refused to take the time to read any of the documentary evidence I offered to prove Charles Broady had intentionally misled her in composing his arbitrary and false report.

32) That, I offered to leave her copies of the material documents that exposed Charles

Brandy's "Committee Report" of November 12, 2013 as fraudulent, but she refused to accept my documents offering the excuse that she had already turned Charles Brandy's "Committee Report" over to BOE. I then asked her why did she schedule this 15 minute meeting if she had no intention of dealing with my claim that Charles Brandy had intentionally misrepresented the facts as regarding this "Committee report".

33) That, when I asked Supt. Brown why she had not kept her word and sent out the agreed upon invitation to Congresswoman Wilson weeks ago - she replied to my astonishment "How do you know that I wanted that woman to come here in the first place." Our meeting was over.

34) That, on the evening of the above meeting I sent Supt. Brown an email placing her on notice that by no means was this matter over as she was wrong in telling me that there could be no appeal of her decision not to accept my maternal documents which prove that Charles Brandy intentionally misrepresented the

which he stated I had "ceased all communications."<sup>see exhibit # 19</sup>

35) That, the material evidence and documents which I tried to present to Supt- Brown during our meeting of December 4, 2013 consists of the following:

- An October 10, 2013 email from Isail Wells (BPS committee member) to Tracy Cooley (and rest of Committee) which states "Brother Charles (Charles Burgin) and I spent some time fine tuning the work from the meeting." She then lists the program framework "which will be completed by November 1st." She then states "Charles Burgin will be calling the Director of the 5000 Role models of Excellence Program to discuss the program and ask questions. The mentoring Committee will provide a list of questions and bases to cover to Charles for his phone call he will be making. Charles and I are offering everything that is in red as a framework for our conference call tomorrow (October 11, 2013).<sup>see exhibit # 20</sup>

36) That, in his November 12, 2013 "Committee

Report" Charles Brandy states  
"None of the above <sup>mentioned</sup> information  
was provided to the Committee  
for review and discussion. Mr.  
Burgin did not participate in the  
October 12<sup>th</sup> conference call with  
the Committee and ceased all  
communications. Recommendation:  
The 5000 Role Models of Excellence  
Mentoring Program is not recommended  
for implementation in Buffalo Public  
Schools in a limited or full capacity  
at this time. Specifics of the program  
core components remain unknown."

Note for the record, at all times  
prior to her composing the blatantly  
false report of 11-12-13, Charles Brandy  
had my phone number and email address  
yet made no attempt to contact me and  
falsely states that I "ceased all  
communications"

37) That, had Supt. Brown accepted the following  
documentary evidence which I offered her  
at the 12-4-13 meeting, she could have  
ascertained the falsity of Charles  
Brandy's "Committee Report" of 11-12-13.

38.) — A document dated October 10, 2013 at 12:56 PM, sent by BPS Committee Chairman Charles Brandy to myself and other BPS mentor Committee members "Hello everyone, our conference call is scheduled for 4:00 PM on Friday October 11, 2013. Please refer to conference Dial-in number: (712) 432-1500." Now contrast this with Charles Brandy's November 12, 2013 "Committee report" (now marked exhibit #18) and his assertion that "Mr. Buzin did not participate in the October 12th Conference Call with the committee and ceased all communication. Note, THERE NEVER WAS ANY Conference CALL SCHEDULED FOR OCTOBER 12, 2013. Charles Brandy's error with the dates shows lack of integrity. Now there was actually a conference call made by BPS mentor Committee member on October 11, 2013.

39.) — A document dated October 11, 2013 at 3:39 AM Email, sent from myself to BPS mentor Committee member Isai Wells. See middle paragraph, whereby I state "Instead of holding a conference call today,

I find it imperative that we meet to discuss the BPS mentoring initiative and Isails understanding. Furthermore I'm still in process of putting together the steering Committee which will be addressing the major issues and concerns with implementing 5000 Role Models Of Excellence Project in BPS and preparing for Congresswoman Frederica S. Wilson's Visit to Buffalo—especially in light of the fact her Visit will coordinate the on-going campaign to build a movement to recruit and sustain mentors etc. I do not intend to rush things and fully understand that everything cannot be done by the January 15, 2014 tentative date so I'm looking at September 2 2014 as a more realistic goal for implementing the 5000 Role models of Excellence Project in BPS."

See exhibit # 21(A)

40.) — Isail Wells of BPS mentor committee responds via email dated Friday October 11, 2013 at 1:57 PM. "Helps Brother  
See exhibit # 22

(12)

Charles (Charles Burgin) Everyone who called in for the conference call felt the conference call should be cancelled and as per your suggestion be replaced with a meeting. A meeting time was identified therefore we need to know if you are available to meet next Friday on October 18th at 11 AM. The meeting would be held at the regular location. If this is not convenient for you please provide another time when you are available as we feel we cannot proceed without your input.

41.5 - That my reply to Isold Wells was via Email dated October 14, 2013 at 8:49 PM. "Isold, this is to inform that I am not available for a meeting on the 18th of Oct. I will be available for a meeting on Friday the 25th after 1:30 PM or from the 28th thru 31st of October after 1:30 PM. At that meeting we shall discuss the formal role of BPS mentor committee as regarding the 5000 Role models of Excellence Project - which has nothing to do with the

so-called Buffalo mentor Initiative. We also shall discuss for the record how the Steering Committee (which, Councilman Prediger offered to serve in an advisory capacity) which I'm putting together to advance the objectives and implementation of 5000 Role models of Excellence Project in BPS, along with the impact study and cost analysis which cannot be performed until after my business plan and budget has been perfected, along with other pertinent concerns and time lines." See exhibit # 23

412.) - That for the record, Isaii Wells called me after she received my October 14, 2013 email, she stated that she would not be available to meet on the date which I offered and would be going out of town. She later sent myself and the full committee an email dated October 23, 2013 stating "I am leaving for Baltimore tomorrow morning" ~~see exhibit # 24~~ which is the last communication which I received from any BPS mentor committee member. I anticipated hearing from secretary Tracey Cooley to suggest

some new meeting dates once  
Isail Wells returned from Baltimore  
Clearly Charles Brandy falsely  
stated that I had "closed all  
communications" with the BPS Mentor Committee

4/3.) Is it simply coincidence that as  
soon as Charles Brandy compiled  
his fraudulent letter for so-called  
"committee report" of November 12, 2013  
that Charles Brandy and Dr. Will  
Kerestes is working with  
Councilman Demone Smith and  
CAO Director/Block mens Think Tank  
Director L. Nathan Hale as regarding  
the funding etc of mentor Programs  
in BPS  
See exhibit # 25

4/4.) Here is additional material that goes  
to Charles Brandy's state of mind  
on November 12, 2013 when he decided  
to draft or compose his falsified  
"mentor committee report". This  
document relates to Charles Brandy's  
relationship with Councilman Demone  
Smith and his "Buffalo Mentoring  
Initiative" that includes L. Nathan Hale

United  
Director of CAO and Black mens  
Think tank and Sam Rodford.  
Note that when Brandy was  
first appointed by D.P. Will  
Kreuzler to do the Impact Study  
Cost Analysis for BOE Resolution  
pertaining to 5000 Role models of  
Excellence Project - he tried to  
join it with the "Buffalo  
mentoring Initiative" which was  
formed by the above parties who  
associate with Charles Brandy.  
Brandy also set up a meeting  
with Demone Smith and myself  
once I made it clear that the  
5000 Role models of Excellence  
Project was not being controlled by  
their "Buffalo mentoring Initiative" <sup>See exhibit #26</sup>

45.) Further Note that there was an  
issue which I had to straighten out  
with S. Nathan Hare as he sought  
to wrest control of 5000 Role Model  
Of Excellence Project from myself  
and contacted Supt. Brown who  
stated she would only be working with  
one person who was in charge of  
5000 Role models of Excellence Project. I

sent Mr. Hare an Email and he then sent Sgt. Brown an Email stating that I was the person in charge of 5000 Role Models of Excellence Project. <sup>See exhibits # 27 and # 28.</sup>

4(6.) A related issue which goes to the state of mind of Charles Brown when he palinified his 11-12-13 "Committee report" is his connection with Mayor Brown. The record reflects that during the month of April 2013, Mayor Brown visited the Desirous Parent Coordinating Council in which I chair the mentor committee. I showed him documentation of the 5000 Role Models of Excellence Project and he pledged his support after signing our "Brothermen's Progress Position For Nonviolence and Increasing Life Skills Mentoring Programs For At Risk Youth". <sup>See exhibit # 29</sup>

4(7.) After taking Mayor Brown at his word and visiting his office and leaving messages several times with his secretary and not receiving any response, I wrote him a certified letter dated October 17, 2013. This

4 Page letter to Mayor Brown informed him (at page 2, paragraph # 8 at exhibit # 30) that "I'm in process of putting together a business plan along with a Steering Committee of dedicated professional people to help get everything that the program needs to succeed." On page 4, last paragraph, I also asked if Mayor Brown could have a Deputy Mayor work with myself and the Steering Committee. Now does that sound like someone who intends to "close all communication with the BPS Mentor Committee tasked with completing an Impact Study/Cost Analysis of 5000 Role Models of Excellence Project?" At page 3 I informed Mayor Brown that I had been to his office several times seeking either a person meeting or a letter stating he supported our initiative and would be supporting Congresswoman Frederica S Wilson when she comes to Buffalo. I also informed him that to date I'm still awaiting your response. That over this period of time I was informed by Sam Radford that he was aware of all the work that I had done on the 5000 Role Models of Excellence Project and

that he would hate to see me left out as Councilman Demone Smith, Charles Bravley and Nate Hale were going to connect with you (mayor Brown) to reach out to Congresswoman Wilson and bring her to Buffalo so that they could take over the 5000 Role Models of Excellence Project — in which I simply responded that mayor Brown had already pledged his support and besides, I was already in contact with Congresswoman Wilson and her Chief of Staff. Mayor Brown since I have not heard from you after visiting your office three times and also meeting with your secretary. I'm now wondering if there is something political going on to circumvent my efforts to implement this very important generational cycle poverty reduction mentor Program to assist our at-risk minority youth males in Buffalo Public Schools to finish high school and graduate." See exhibit # 30.

48.) For the record, I never received a reply from the above certified letter of October 17, 2013 to Mayor Brown and certainly believe it is due to

(19)

his political relationship with Charles Brandy, Demone Smith, L. Nathan Hare and Tom Rodford who have their own "Buffalo Mentor Initiative" and are dealing with Dr. Will Keresztes, head of student services for BPS. It reminds me of crabs-in-the-barrel syndrome. Especially when Mayor Brown is full of hypocrisy when it comes down to actually keeping his word to help uplift and empower our at-risk minority male students.

49.) As regarding Dr. Will Keresztes and his conflict of interest in being appointed by Mayor Brown to be in charge of getting the impact study/Cost analysis done, before he passed it off to Charles Brandy and the BPS mentor committee - I had sent Mayor Brown a 3 page email dated September 3, 2013 detailing the conflict of interest with her appointing Dr. Keresztes to be in charge of the impact study/Cost analysis (along with Charles Brandy). At paragraph # 13 thru 20, I informed Mayor Brown of the serious despute

and issues of integrity and character exhibited by Charles Brandy and Dr. Will Keesler while working with them on the mentor committee prior to the BOE Resolution involving the import study / cost analyses for 5000 Role models of Excellence Project. Having received no reply from Supt Brown after the above letter, I was forced to deal with Charles Brandy and took him at his word to forget past grievances as he was supposedly only interested in supporting my efforts to get the 5000 Role models of Excellence Project implemented in BPS. The evidence shows otherwise. See exhibit #37 which is another email I sent to Supt. Brown dated Sept 6, 2013. Note how she states "I look forward to meeting with you and the rest of the mentors Committee as soon as the study is completed and the committee is prepared to make a recommendation to me." Her actions certainly prove otherwise as she would not accept my documentary materials which exposed Charles Brandy. She never sent out the letter to congresswoman Wilson

over a period of months after publicly stating she would do so. She most certainly revealed her true colors and lack of integrity when she stated to me during our December 4, 2013 meeting "How do you know that I wanted that woman (Congresswoman Wilson) to come here in the first place?"

50. Of relevance to Charles Brandy's state of mind is an email dated May 16 2013 in which he practically had resigned from the BPS Mentor Committee several months prior to his being appointed to do the Impact study / Cost analysis. It is an email sent by Charles Brandy to myself and Isaih Wells and Tracy Cooley. See exhibit # 33

51.) I then drafted a 2 page response email to Charles Brandy dated May 17, 2013. See Exhibit # 34

W52.) Clearly the evidence presented here shows the the due process rights of myself and the intended beneficiaries of the BOP Resolution - meritly male

Students have been flagrantly  
Violated by Willful fraudulent  
misconduct of Board employee  
and a Superintendent who lacks  
integrity and courage.

53.) I employ the Buffalo Board of Education to expeditiously use its power to address this grave situation. On December 20, 2013, I contacted Board member Dr. Homer-Til who serves as Board liaison to our District Parent Coordinating Council via email and am still awaiting a reply to meet with me to help remedy this situation.

54.) For the record, at our December 4, 2013 meeting, I placed Supt. Brown on notice that I would appeal her negative and arbitrary decision to ignore the evidence in this case. She stated to me that the matter could not be appealed. Can someone in her position actually take the Board for granted in that she can not be overruled by the Board which hired her or did

she miscalculate my resolve to see that justice is done when it comes to my advocacy on behalf of minority males? My request for a full investigation by the Board and to remedy the situation, along with appoint a person of integrity and character to work with myself and community stakeholders to complete the BOE Resolution Cost Analysis Impact Study. President Obama recent unveiling of his program to uplift and empower minority males- my Brothers Keeper, evidence that what I'm fighting for in terms of replicating the 5000 Role Models of Excellence Project in Buffalo Public Schools essential! Man-up! Mind-up! Stand-up! Mentor-up!

Charles Burgen

P.O. Box 1073

Buffalo NY 14201

Ellen L. Snekser 3/3/14

RECEIVED

MAR 03 2014

Office of Labor Relations  
& Legal Counsel

ELLEN L. SNEKSER  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 8/28/14